

REMARKS

This amendment is in response to the Office Action dated November 19, 2008. Because this response is mailed on February 19, 2008, the amendment is timely filed.

I. Status of the Amendments

Prior to this amendment, claims 24-46 were pending. By this amendment, claims 24, 26 and 31 have been amended, and claims 44-46 have been canceled without prejudice to refile. Thus, claims 24-43 are pending.

No additional claims fee is believed to be due, because the applicant previously paid for three (3) independent and twenty (20) total claims.

II. Response to November 19 Office Action

The drawings are objected to for allegedly failing to show each and every limitation of the claimed subject matter. As to the objection to the “actuator” in claims 24, 42, and 43, arrow 5 in the drawings represents, in a schematic way, the actuator. As to the objections to language of claims 44 and 46, these claims have been canceled, thus mooted the objection. As to the objection to “a link” in claim 26, this corresponds to the pin 6 as should be evident from the language of the claim and the specification. Consequently, each and every limitation of the claimed subject matter is illustrated in the drawings. The objections should be withdrawn.

Claim 31 has been objected to for allegedly missing commas. Claim 31 has been amended to insert the missing commas; no change in scope has resulted as a consequence. The objection should be withdrawn.

Claims 44-46 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement, and claim 44 is rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Claims 44-46 have been canceled. Consequently, these rejections are moot.

Claims 24, 26-33, 35, and 40-46 are also rejected under 35 U.S.C. 102(b) as allegedly anticipated by Prat et al. (German Publ. No. DE 10033703), with claims 24, 25, and 36-39 being rejected as allegedly anticipated by Hayashihara (U.S. Publ. No. 2002/0078784) and claims 24, 26, and 34 as allegedly anticipated by Asano et al. (U.S. Patent No. 5,086,663). The rejections are moot as to claims 44-46, and applicants respectfully disagree as to the remaining rejections.

As amended, claim 24 recites an adjustable pedal assembly for a motor vehicle. The assembly includes a subpedal pivotably mounted to the motor vehicle, and a pedal slideably coupled to the subpedal by a first slide link. The assembly also includes a single positioning element pivotably mounted to the subpedal and slideably mounted at the pedal by a second slide link, so that the pedal glides relative to the subpedal during a pivoting of the positioning element effected manually or by means of an actuator acting on the positioning element. The positioning element is further mounted to the pedal by a third slide link separate from the second slide link.

As to Prat et al., Prat et al. does not disclose, teach or suggest the slidable coupling of the pedal to the sub-pedal by the first slide link, the pivotal mounting of the positioning element to sub-pedal or the mounting of the positioning element by a third slide link. Also, as amended, claim 1 recites that the assembly includes a single positioning element – Prat et al. includes at least two: the double lever (31, 32) and the U-shaped lever (32).

Similarly, Hayashihara does not disclose, teach or suggest the slidable coupling of the pedal to the sub-pedal or the pivotal mounting of the positioning element to the sub-pedal, or the gliding of the pedal relative to the subpedal or an actuator acting directly on the positioning element. As to the first point, the allegedly corresponding pedal (28) of Hayashihara is instead slidably coupled to the allegedly corresponding positioning element (26) by a pair of slide links (34, 38 and 32, 36). As to the second point, the allegedly corresponding positioning element (26) is connected by a connecting link (62) having two pivots (60 and 64). As to the third point, there is no link connection between the allegedly corresponding pedal (28) and sub-pedal (56). Finally, the allegedly corresponding actuator acts on the allegedly corresponding pedal (28), not the allegedly corresponding positioning element (26).

Asano et al. fails on a fundamental level in comparison with the claimed subject matter. Lever (6) is not a sub-pedal. Lever (6) is not mounted to a fixed part of the vehicle, but rather pivotally mounted to an L-shaped holder (3), which itself is pivotally supported by a bracket (1) intalled on a stationary position (30) of the vehicle. As a result, Asano et al. is not comparable to claimed subject matter.

As a consequence, claim 24 is novel over the cited references, and the rejections should be withdrawn. Further, claims 25-43 depend either directly or indirectly from claim 24. Because the rejections of claims 25-43 rely upon the application of the cited references to claim 24, these rejections also should be withdrawn at least for the reason of the cited references' applicability to claim 24.

In view of the foregoing, it is respectfully submitted that all of the pending claims of the above application are in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 30607/41159.

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Respectfully submitted,

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